

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Criminal Action No. 2:04cr5
(Maxwell)**

VICTOR SELF,

Defendant.

ORDER

It will be recalled that on March 18, 2010, the Defendant, Victor Self, appeared before Magistrate Judge John S. Kaull for a preliminary hearing on a Petition for warrant or Summons for Offender Under Supervision filed against Defendant on March 4, 2010. Following the preliminary hearing, Magistrate Judge Kaull filed with the Court his Opinion Report and Recommendation, wherein it is reported that the Defendant waived the preliminary hearing and his right to a full hearing before the District Judge should the District Judge accept the proposed disposition; admitted to violation number 1 in the March 4, 2010 Petition; and agreed to a sentence of 13 months imprisonment with no further supervised release. In the Opinion Report and Recommendation, the Magistrate Judge advised the parties that they could file objections to the Opinion Report and Recommendation within fourteen days after being served with a copy of the same. On March 24, 2010, the Court received e-mails from counsel for each party advising that they had no objections to the Opinion Report and Recommendation.

Upon review of the Magistrate Judge's Opinion Report and Recommendation, the Court finds the recommendations contained therein, including the agreed disposition reached by the parties and put on the record before the Magistrate Judge, to

be appropriate. Therefore, the Court **ACCEPTS** the Opinion Report and Recommendation in whole, and hereby **ADOPTS** the same. The Court further **ACCEPTS** the parties' agreed disposition, and the Defendant's corresponding admission to violation number one of the Petition. Accordingly, it is

ORDERED that the Defendant, Victor Self, is hereby found to have violated mandatory condition 1 of his supervised release, to wit: "While on supervised release, the defendant shall not commit another federal, state or local crime. The defendant shall not illegally possess a controlled substance," in that on January 7, 2010, during a home visit by the probation officer, the officer examined defendant's arms and found at least three injections sites on defendant's right arm and that defendant admitted that he had injected morphine three times into his arm on January 5, 2010 in knowing violation of the conditions of his supervised release, all as alleged in the petition of March 5, 2010.

Because it has been established by a preponderance of the evidence, through the Defendant's admissions, that the Defendant has violated the conditions of his supervised release, it is the judgment of the Court that the Defendant's term of supervised release is hereby **REVOKED**. The Defendant shall be sentenced pursuant to the Judgment and Commitment Order, to be filed contemporaneous herewith.

The Defendant is hereby **ADVISED** that you have a statutory right to appeal the sentence imposed upon you, under certain circumstances, particularly if you think the sentence is contrary to law. With few exceptions, any Notice Of Appeal must be filed within 10 days of judgment being entered. If you are unable to pay the cost of an appeal, you may apply for leave to appeal *in forma pauperis*. If you so request, the

Clerk of Court will assist you and/or your attorney in preparing and filing a Notice Of Appeal on your behalf and/or the financial affidavit to accompany your application for leave to appeal *in forma pauperis*.

ENTER: March 29th, 2010

/s/ Robert E. Maxwell
United States District Judge